

## Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-11 RSC-01

HEW-08 AID-20 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-04 PRS-01 SPC-03 SS-20 USIA-15

SAM-01 OIC-04 ACDA-19 DRC-01 /218 W

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 2514

UNCLAS USUN 321

E.O. 11652 NA

TAGS: SGEN

SUBJECT: STATUS OF WOMEN COMMISSION--DRAFT DECLARATION ON  
PROTECTION OF WOMEN AND CHILDREN IN ARMED CONFLICT

REF: USUN 298

1. IN DEBATE THIS PM, JAN 29 ON DRAFT DECLARATION FORWARDED  
REFTEL, US REP (PATRICIA HUTAR) MADE FOLLOWING STATEMENT:

"THE UNITED STATES GOVERNMENT DEPLORES THE SUFFERING THAT  
FLOWS FROM WAR INCLUDING THE PARTICULARLY TRAGIC SUFFERING  
OF WOMEN AND CHILDREN.

"WE BELIEVE THE INTERNATIONAL COMMUNITY MUST ACT RESPONSIBLY  
TO DEAL WITH THESE PRESSING PROBLEMS, NOT EXPEND ITS TIME  
ON IRRELEVANCIES.

"THESE AND OTHER QUESTIONS INVOLVING THE RULES OF WAR  
WILL BE THE SUBJECT MATTER BEFORE THE FORTHCOMING DIPLOMATIC  
CONFERENCES ON THE REAFFIRMATION AND DEVELOPMENT OF INTERNATIONAL  
HUMANITARIAN LAW TO BE CONVENED BY THE SWISS FEDERAL COUNCIL  
AND TO BE HELD AT GENEVA FROM 20 FEBRUARY TO 29 MARCH 1974.

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"MY GOVERNMENT HAS SUPPORTED THE DETAILED PREPARATIONS

THAT HAVE BEEN MADE FOR THIS CONFERENCE AND WE LOOK FORWARD TO SIGNIFICANT ACHIEVEMENTS AT THE CONFERENCE INCLUDING MEASURES TO PROTECT NON-COMBATANTS INCLUDING, OF COURSE, WOMEN AND CHILDREN.

"THE FAULT WITH THE DRAFT BEFORE US IS NOT MERELY THAT IT SEEKS TO SEIZE THIS COMMISSION OF ISSUES ALREADY BEING DEALT WITH, THAT IT DISTRACTS US FROM OUR PARTICULAR AND URGENT TASKS THAT ARE NOT BEING ADEQUATELY DEALT WITH ELSEWHERE, THAT IT APPEARS TO FOCUS MOST HEAVILY ON ONLY CERTAIN TYPES OF ARMED CONFLICT. THESE FAULTS ALONE WOULD GIVE US PAUSE.

"THE DRAFT REFLECTS THE FACT THAT IT HAS NOT BEEN THE SUBJECT OF CAREFUL ANALYSIS AND STUDY. THE DRAFT CONTAINS VARIOUS INACCURATE STATEMENTS CONCERNING EXISTING CONVENTIONS WHICH BEAR LITTLE RESEMBLANCE TO THE LAW OR THE PROPOSALS LIKELY TO BE ADOPTED AT THE FORTHCOMING CONFERENCE. IF THE COMMISSION ADOPTS THIS TEXT IN ITS PRESENT FORM, IT PRODUCES NOTHING MORE THAN A TESTIMONY TO ITS OWN LACK OF EXPERTISE IN THE FIELD.

"THE SUBJECT MATTER PURPORTED TO BE COVERED BY THE TEXT IS BOTH TOO SERIOUS AND TOO DELICATE FOR THE TYPE OF HASTY AND SUMMARY TREATMENT WE ARE BEING ASKED TO GIVE IT. FOR ONE THING ONE CANNOT DEVELOP INTERNATIONAL CRIMINAL LAW BY MERELY LISTING A SERIES OF ACTS AND BLITHELY STATING THEY "SHALL BE CONSIDERED CRIMINAL."

"BY PURPORTING TO DEVELOP LEGAL NORMS IN THIS FASHION WE NOT ONLY WASTE TIME BUT RUN THE RISK OF WEAKENING THE FABRIC OF INTERNATIONAL LAW AND RENDERING A DISSERVICE TO THOSE VERY INTERESTS IT IS OUR DESIRE TO PROTECT.

"MY DELEGATION CANNOT SUPPORT THE TEXT FOR THESE REASONS.

"WE REGRET THAT THE VALUABLE TIME OF THE COMMISSION HAS ONCE AGAIN BEEN TAKEN UP WITH THIS MATTER. EVEN IF THE DRAFT WERE NOT TENDENTIOUS AND INACCURATE, WE WOULD REGRET THE DISTRACTION FROM THE ESSENTIAL TASKS OF THIS COMMISSION. IF THIS COMMISSION IS TO SPEND SUBSTANTIAL PORTIONS OF ITS UNCLASSIFIED

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TIME AND ENERGY ON TASKS ALREADY HANDLED ELSEWHERE, IT WILL FAIL IN ITS ESSENTIAL TASK."  
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## Message Attributes

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